

## **Privacy Notice for Students**

### **Accredited Grades in light of arrangements for Leaving Certificate 2021**

#### **Context**

Following an announcement by the Minister for Education on 17 February 2021, all 2021 Leaving Certificate examinations candidates may opt to take Leaving Certificate examinations, (including written examinations and related additional components in each subject as appropriate) and/or to opt to apply for SEC Accredited Grades.

The Minister of Education is bringing forward legislative amendments (to the Education Act, 1998) that will allow the State Examinations Commission (SEC) to administer the Accredited Grades Scheme for Leaving Certificate 2021. The planning for and early stages of implementation of the system of Accredited Grades will be managed by the Department of Education. The following information concerns how your data will be processed to achieve this.

An Accredited Grade results from combining data as follows:

- A school estimation of a percentage mark to be awarded to a student in respect of her/his expected performance in an examination in that particular subject. The grades will be arrived at through a process by which the teacher will use a range of available evidence to support her/his judgement-making in estimating the percentage marks to award to students, following which these estimated marks will be subjected to an in-school alignment process. The range of evidence that teachers will draw on may include both formative and summative assessment activities undertaken, over the two years of study including those undertaken during periods of emergency remote learning in the current school year 2020/21.
- Data available from the state examinations – this includes, but is not necessarily limited to, national data on past Leaving Certificate and Junior Cycle examination performance (pre-2020) of students in each subject.

#### **Purpose**

The purposes for which your data will be processed:

- Processing applications for the option of receiving Accredited Grades or ‘the better of Accredited Grades and Leaving Certificate Examinations to facilitate timely progression from second-level schooling to employment, further education and higher education, in light of the specific arrangements put in place for the Leaving Certificate 2021 as a result of the Covid-19 pandemic.
- Processing school estimated percentage mark for students in the 2021 Leaving Certificate class in order to produce Accredited Grades.
- For Research and Statistical purposes.

#### **Legal basis**

The lawful basis are set down in Article 6 of the General Data Protection Regulation (2016/679) (GDPR). Section 38 of the Data Protection Act, 2018 and Section 7(1) of the Education Act 1998 is the basis for the processing referred to in the GDPR Article (6)(1)(e).

### Source (i.e. where we are collecting the data from)

- All Leaving Certificate candidates following any of the three programmes; Established, Vocational or Applied.
- Schools and other centres of education with students for the 2021 Leaving Certificate (Further Education and Training Centres, private colleges and other non-state funded institutions and sources).
- Post-Primary Online Database (PPOD) - Department of Education
- State Examinations Commission Database
- Other sources that may be involved in the process of providing estimated marks to students studying individual subjects out of school and students studying entirely outside of school

### Categories of data subject

- Students in the 2021 Leaving Certificate cohort

### Categories of personal data

- Examination Number
- Programme i.e. Leaving Certificate Established, Vocational or Applied.
- PPSN
- Department of Education Pupil Identity Number (DPIN)
- Year
- School Roll Number
- School Type
- Surname
- Forename
- Date of Birth
- Gender
- Subject code
- Module Code
- Subject Irish indicator
- Address
- Eircode
- Telephone Number
- Email address
- Subject
- Subject Level
- Class ID
- School Estimated Percentage Mark
- Estimated Mark
- Accredited Grade
- Confirmation of conflict of interest and management (where applicable)

### Further Processing

Where the Department of Education intends to further process your data for a purpose other than the purposes listed above, the Department will provide you prior to that further processing with information on that other purpose and with any relevant further information on the processing activity and your data protection rights.

## Recipients of the data

### Data Sharing

Data may be shared with:

- The State Examinations Commission
- Educational Testing Service (data processor)
- Data Processor to be engaged to provide external Quality Assurance function
- The Central Applications Office, the Higher Education Authority, and the Higher Education Institutions for the purposes of entry to higher education
- The Economic and Social Research Institute
- Recognised Scholarship Awarding Bodies.

Data may also be shared with the UK university and college admission office, (UCAS) and otherwise at the request of data subjects.

### Storage period

It is intended to transfer the data collected by the Department of Education to the SEC when the legislative amendments proposed by the Minister are in place to facilitate the SEC to operate a system of Accredited Grades. The Department will then no longer retain any of the data. The Accredited Grades results data will be retained by the SEC for 100 years as this group of students may require a copy of their official state certificate at any stage during their lifetime. The data is also retained in the public interest for research, historical and archival purposes. The data received from schools - including the school estimated percentage mark – in order to produce Accredited Grades will be retained until the conclusion of the appeals process following which it will be permanently deleted.

### Third Country

The CAO provides result information to UCAS UK as Irish applicants to UCAS provide their consent to UCAS to gather their result information from the CAO as part of the application process.

Data Processors to support part of the standardisation process for the Accredited Grades are being appointed by the Department of Education. All data processors appointed by the Department shall be bound to operate within the written instructions of data processor contract(s) and fully in line with the GDPR and articles 28 and 29 in particular. Educational Testing Service (ETS) based in Princeton, NJ 08541, the United States of America support part of the standardisation process for the Accredited Grades and are bound to operate within the written instructions of their data processing contract with the Department which includes EU approved standard contractual clauses under article 46 of the GDPR and additional safeguards which take full account of the Court of Justice of the European Union Judgement on Case C-311/18 (Schrems II judgment). You have the right to object to this processing under article 21 of the GDPR.

It is also intended to engage the services of an independent contractor to provide an external quality assurance function.

### Data Subject Rights

Please go to <https://www.education.ie/en/The-Department/Data-Protection/Information.html> for information on your right to access your data.

In line with section 56(1) of the Data Protection Act, (<http://www.irishstatutebook.ie/eli/2018/act/7/section/56/enacted/en/html#sec56>) it is not possible to respond to access requests for the estimated grade until after the release of the Accredited Grades, and such requests will be taken to have been made on the later of either the date of the first publication of the results of the 'examination' (i.e. the Accredited Grades process), or the date of the request.

You may also exercise your right to correct your data, seek to restrict how it may be processed or object to how it may be processed. Your data will not be used for automated decision-making or profiling, please see <https://www.dataprotection.ie/en/individuals/rights-individuals-under-general-data-protection-regulation> for the Data Protection Commissioner's Guide to Data Subject Rights.

The Department of Education may not be able to agree to your request for deletion where your data is subject to the National Archives Act 1986 and no order has been made to dispose of this category of data under that Act. See guidance from the National Archives

[https://www.nationalarchives.ie/wp-content/uploads/2019/03/20190309GuidanceNote\\_GDPR\\_V4.pdf](https://www.nationalarchives.ie/wp-content/uploads/2019/03/20190309GuidanceNote_GDPR_V4.pdf)

You have the right to lodge a complaint with the Data Protection Commissioner, please see [www.dataprotection.ie](http://www.dataprotection.ie)

Further information on how this scheme operates is available at

<https://www.gov.ie/en/publication/d3ea2-leaving-certificate-2021/>

### Contact Details

The Department of Education is the data controller for the processing of your Accredited Grades data. If you have any query in respect of this you may contact at [agdata@education.gov.ie](mailto:agdata@education.gov.ie).

The Department's Data Protection Officer may be contacted by sending an e-mail to [dpo@education.gov.ie](mailto:dpo@education.gov.ie) or by post to Department of Education, Data Protection Unit, Athlone, Co. Westmeath, N37 X659.

The SEC is the data controller for the processing of your data in respect of the conventional examinations but will also become the data controller for the data in respect of Accredited Grades following the passing of the necessary legislative amendments to enable this. The SEC's Data Protection Officer may be contacted by sending an e-mail to [dpo@examinations.ie](mailto:dpo@examinations.ie) or by post to State Examination Commission, Corporate Affairs Division, Cornamaddy, Athlone, Co. Westmeath, N37 TP65.